South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management 1362 McMillan Avenue, Suite 400 Charleston, South Carolina 29405

and

Charleston District, Corps of Engineers 1949 Industrial Park Rd., Room 140 Conway, South Carolina 29526

May 6, 2013 Joint Permit Application Public Notice

Harborloft POA, 2010-01366-3IY (13)

The Department has received an application for a permit for the alteration of a critical area. The application was submitted pursuant to the Coastal Zone Management Act (Act 123) of 1977 South Carolina General Assembly. The application in brief, is described as follows:

APPLICANT:

Harborioft POA

LOCATION:

On and adjacent to Atlantic Intracoastal Waterway at Harbor Dr., Tidewater Subdivision, Little River, Horry County, South

Carolina. TMS: n/a.

WORK:

The work as proposed consists of building erosion control devices. Specifically, the applicant seeks to install 1,000' of bulkhead channelward of the existing bulkhead along with 592 cubic yards of riprap along the bulkhead toe for additional erosion protection. Additionally, the applicant proposes to construct a riprap sill, with 1,605 cubic yards of riprap, constructed waterward of the bulkhead to provide protection from erosion associated with wave action against the newly installed bulkhead. The purpose of the proposed installation is to prevent further destruction of the existing marsh vegetation

and undermining of the bulkhead. The work as described is for erosion control.

This public notice is being distributed to all known interested persons and agencies to assist in developing facts on which a decision by the Department can be based. Comments concerning the proposed work must be submitted in writing, setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

Comments regarding this application must be received by the Department on or before <u>June 5, 2013</u>. For more information, please contact **Tanitra Marshall** at **843-238-4528** or via email at **marshats@dhec.sc.gov**.

NOTE:

Plans depicting the proposed work are available and will be provided upon receipt of a written request or may be viewed on the Department website at

www.scdhec.gov/environment/ocrm/public notice.htm.

<u>aJOINT</u> PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS 1949 Industrial Park Rd, Room 140 Conway, South Carolina 29526 and

S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT 1362 McMillan Avenue, Suite 400 Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N #2010-01366-3IY(13)

May 2, 2013

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

Harborloft POA / Omni Management Services c/o Jon Guerry Taylor & Associates, Inc Craig Pawlyk PO Box 1082 Mt. Pleasant, SC 29465

for a permit to perform bank stabilization and bulkhead replacement in the

Atlantic Intracoastal Waterway

Located on the AIWW within the Tidewater Subdivision adjacent to Harbor Drive, Little River, Horry County, South Carolina (Latitude: 33.860847; Longitude: -78.625626).

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by the Corps until

15 Days from the Date of this Notice,

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of constructing approximately 1,000 linear feet (0.05 acres of backfill) of bulkhead directly in front of an existing bulkhead along with the installation of 0.18 acres (592 cubic yards) of rip rap along its toe for additional erosion protection. Additionally, the applicant proposes approximately 0.40 acres (1,605 cubic yards) of rip rap rock sill constructed waterward of the existing bulkhead to provide protection from erosion associated with wave action against the newly installed bulkhead. The applicant proposed no mitigation for the project.

REGULATORY DIVISION Refer to: P/N #201001366-3IY

Avoidance and Minimization measures as stated by the applicant: "Rock sill will be placed on (the) channelward side of existing / remaining vegetation. Purpose of the installation is to prevent further destruction of the existing marsh vegetation and undermining of bulkhead (and) erosion caused by wind and vessel created wave action.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 1949 Industrial Park Road, Room 140 Conway, South Carolina 29526

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. This activity may also require evaluation for compliance with the S.C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S.C. Department of Health and Environmental Control. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification or the navigable waters permit must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact (0.63) acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

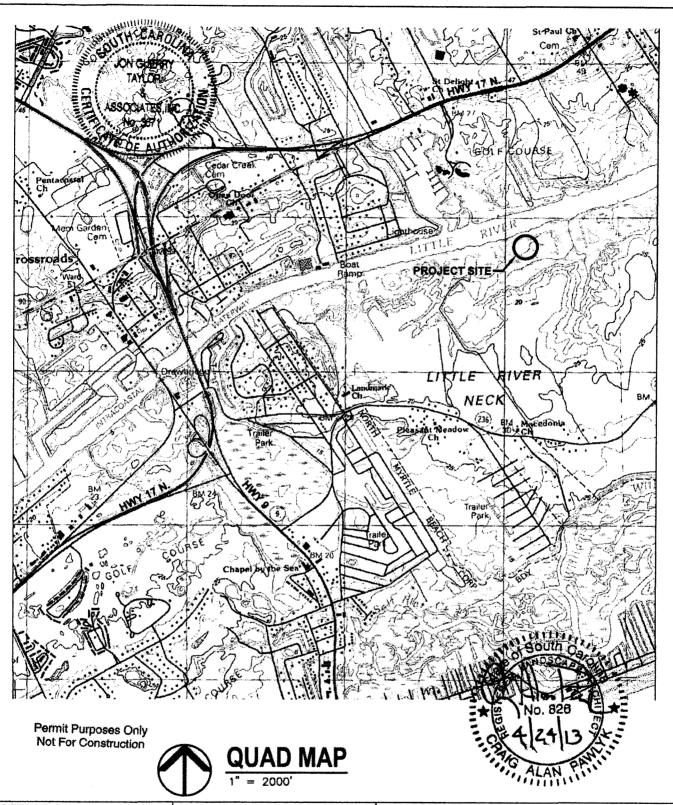
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact T. Brian Hardee at 843-365-0848.

Tanitra Marshall SCDHE - CERM 843-238-4528

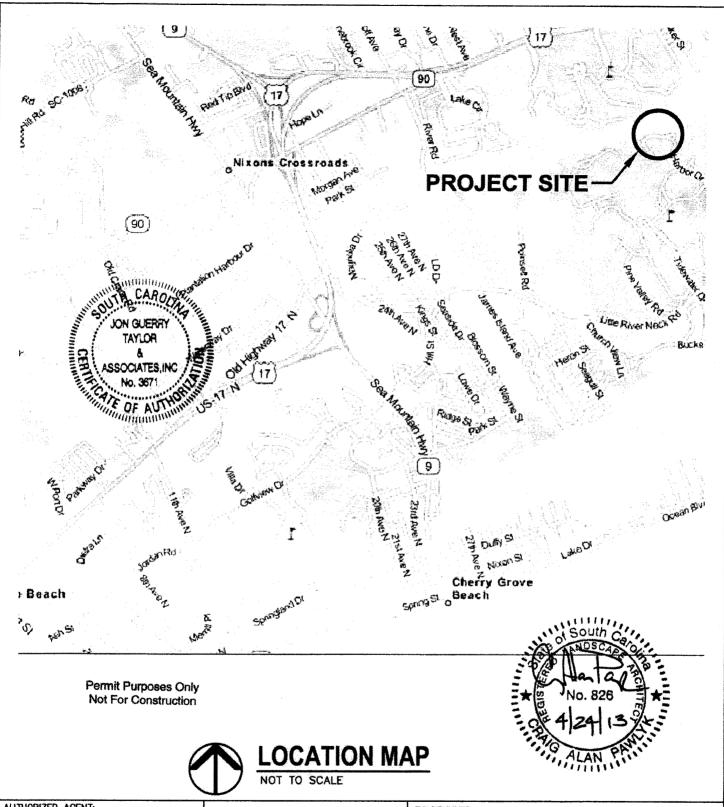


AUTHORIZED AGENT:
JON GUERRY TAYLOR & ASSOCIATES, INC.
P.O. BOX 1082
MT. PLEASANT, SC 29465
c/o CRAIG PAWLYK

HARBOR LOFT BULKHEAD REPLACEMENT AND ROCK SILL INSTALLATION TIDEWATER DEVELOPMENT NORTH MYRTLE BEACH, HORRY COUNTY, SC PROPOSED:
CONSTRUCTION OF REPLACEMENT
BULKHEAD AND NEW ROCK SILL FOR
EROSION CONTROL

IN: N. MYRTLE BEACH
COUNTY: HORRY
DATE: 3/18/2013

ON: A.I.W.W.
STATE: SOUTH CAROLINA
REVISED DATE: 4/24/2013 SHEET: 1 OF 7



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